

Application No.: 09/822,965

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Docket No.: 220002059710

REMARKS

Claims 14, and 18-20 are pending in this application. Claims 14, 19 and 20 were variously rejected under 35 U.S.C. §102(b). Applicants appreciate the Examiner indicating in the Advisory Action that the rejection under 35 U.S.C. §101 was overcome.

By this amendment, claim 14 has been amended without prejudice or disclaimer of any previously claimed subject matter. Support for the amendment to claim 14 can be found, *inter alia*, throughout the specification. The amendments are made solely to promote prosecution without prejudice or disclaimer of any previously claimed subject matter. With respect to all amendments and canceled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

The present amendment is made to more distinctly claim the subject matter which Applicants regard as the invention, in particular, specific mutations which account for the mutant phenotype, and to better place the application in condition for allowance. Thus, Applicants respectfully submit that the amendment does not raise new issues and respectfully request entry of this amendment.

Applicants are grateful to Examiner Gupta for the telephone conversation with Applicants' representative regarding the enclosed amendment after the issuance of the Advisory Action. Applicants appreciate the Examiner indicating that the rejection under 35 U.S.C. §101 was overcome and that claim 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**CONCLUSION**

Applicants believe that all issues raised in the final Office Action have been properly addressed in this response. Accordingly, reconsideration and allowance of the pending claims is respectfully requested. If the Examiner feels that a telephone interview would serve to facilitate resolution of any outstanding issues, the Examiner is encouraged to contact Applicants' representative at the telephone number below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 220002059710.

Dated: October 4, 2004

Respectfully submitted,

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